THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.513 OF 2006

Dated: 06-01-2006

Between

Anakapalli Satyam, S/o. Appala Naidu,
President, Ganguvani Cheruvu Water
Users' Association, Madupam Village,
G. Sigadam Mandal, Srikakulam
District.

...PETITIONER

AND

The District Collector – cum – District
Election Authority, Under A.P. Farmers
Management Irrigation Systems (Conduct
Of elections) Rules, 2003, Srikakulam
District and another.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in preparing the voter list with bogus voters for the purpose of election to the Territorial Constituencies (TCs) 2 and 5 of Ganguvani Cheruvu Water Users Association, Madupam Village, G. Sigadam Mandal, Srikakulam District as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is a member of the aforesaid association. Election notification was issued on 27.12.2005 for elections to fill up the posts of retirement of 1/3rd of members TCs. As per the notification, the election is scheduled to be held of 07.01.2006 for the TC.Nos.2 and 5 of the said association and the voters' list has been prepared separately for the two constituencies including the names of bogus voters and the names of persons belonging to other constituencies, which was published on 06.12.2005 calling for objections to be filed before the District Collector on or before 13.12.2005. The petitioner filed objections before the Mandal Revenue Officer and thereafter before the District Collector.

However, on a representation filed by the Water Users Association on 26.12.2005, but not on the objections filed by the petitioner, the District Collector vide his proceedings dated 26.12.2005 requested the MRO for deletion of the names of bogus voters, if any.

This Court is of the opinion that once the election notification is issued on 27.12.2005 it is not open for the petitioner to have any grievance in the absence of filing objections in accordance with the notification issued. In the absence of any specific objections with regard to the names of the bogus voters and name of persons belonging to other constituencies it cannot be said that the preparation of the final voters' list is illegal and arbitrary. However, there is an effective alternative remedy of filing an election petition under Chapter X of the Andhra Pradesh Farmers Management of Irrigation Systems (Conduct of election) Rules, 2003 is available to the petitioner.

In view of the aforesaid facts and circumstances of the case,
I am not inclined to entertain the writ petition and it is accordingly dismissed with a liberty to the petitioner to file an election petition.

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V. ESWARAIAH, J

January 6, 2006

DSK